Form 149

## IN THE UNITED STATES BANKRUPTCY COURT FOR THE WESTERN DISTRICT OF PENNSYLVANIA

In re:

Timmy K. Messner Patricia L. Messner aka Patti L. Messner, aka Patricia Messner Debtor(s) Bankruptcy Case No.: 19–22342–CMB Per December 5, 2019 Proceeding Chapter: 13 Docket No.: 47 – 26, 35, 36 Concil. Conf.: at

## ORDER OF COURT CONFIRMING PLAN AS MODIFIED AND SETTING DEADLINES FOR CERTAIN ACTIONS

#### (1.) PLAN CONFIRMATION:

IT IS HEREBY ORDERED that upon consent of the Debtor(s), the Chapter 13 Plan dated August 20, 2019 is CONFIRMED as modified at the Plan confirmation hearing. Terms of the Plan not expressly modified by this Order remain in full force and effect. A copy of this Plan was previously mailed to you. *Only those provisions which are checked below apply to this case:* 

- A. For the remainder of the Plan term, the periodic Plan payment is amended to be \$2125.00 as of December, 2019. Debtor(s)' counsel shall file a motion to amend the income attachment order within seven (7) days of the date of this Order.
- □ B. The length of the Plan is increased to a total of months. This statement of duration of the Plan is an approximation. The Plan shall not be completed until the goals of the Plan have been achieved. The total length of the Plan shall not exceed sixty (60) months.
- □ C. Plan confirmation is on an interim basis only as a form of adequate protection. The Trustee is authorized to distribute to secured and priority creditors with percentage fees. *A final plan conciliation conference will be held on at*, *in*. If the Parties cannot resolve all disputes at the conciliation conference, a hearing will be scheduled and orally announced at the conclusion of the conference without any further written notice to any party. Parties are directed to monitor the Court's docket and read the Chapter 13 Trustee's minutes of the conciliation conference to the extent such parties desire more information regarding the outcome of the conciliation conference.
- ☑ D. Plan confirmation is subject to the resolution of all actions to determine the avoidability, priority, or extent of liens; including determination of the allowed amount of secured claims under 11 U.S.C. §506, disputes over the amount and allowance of claims entitled to priority under 11 U.S.C. §507, and all objections to claims.
- ☐ E. The allowed claims of general unsecured creditors shall be paid from available funds on a pro rata basis, which may represent an increase or decrease in the amount projected in the Plan.
- □ F. shall be paid monthly payments of \$ beginning with the Trustee's distribution and continuing for the duration of the plan term, to be applied by that creditor to it's administrative claim, budget payments and/or security deposit. These payments shall be at the third distribution level.
- ☐ G. The claims of the following creditors shall govern as to amount, classification and rate of interest (or as otherwise noted), unless the Debtor(s) successfully objects to the claim: .
- ☑ H. Additional Terms: Fee application needed if any fee (including retainer) exceeds \$4,000 including any fees paid to prior counsel.

The secured claim(s) of the following Creditor(s) shall govern as to claim amount, to be paid at the modified terms: One Main (Cl #5).

Plan confirmed prior to Government Bar Date. If there is a Government Proof of Claim file, Debtors shall file Amended Plan to address.

## (2.) IT IS FURTHER ORDERED THAT THE FOLLOWING DEADLINES ARE ESTABLISHED:

- **A. Objections to the Plan.** Pursuant to *Fed.R.Bankr.P.* 2002(b), this Order shall not become final for a period of twenty–eight (28) days. Any party in interest with an objection to any provision of this Confirmation Order must file a written objection within that twenty–eight (28) day period. Failure to timely object shall be deemed a waiver of all objections and an acceptance of the provisions of this confirmed Plan. The Trustee may disburse funds pursuant to this confirmation order upon it's entry.
- **B.** Applications to retain brokers, sales agents, or other professionals. If the Plan contemplates sales of assets or litigation proceeds as a source of funding, Debtor(s) shall file motion(s) to employ the necessary professionals within thirty (30) days hereof.
- **C.** Review of Claims Docket and Objections to Claims. Pursuant to W.PA.LBR 3021-I(c)(2), the Debtor or Debtor's attorney, if represented, shall review the proofs of claim filed and shall file objections to any disputed claims within ninety (90) days after the claims bar date or, for late filed or amended claims, within ninety (90) days after they are filed and served. Absent an objection, the proof of claim will govern as to the classification and amount of the claim. Objections filed after the ninety (90) days specified herein shall be deemed untimely.
- **D.** Motions or Complaints Pursuant to §§506, 507 or 522. All actions to determine the priority, avoidability, or extent of liens, all actions pursuant to 11 U.S.C. §§506, 507 and 522 shall be filed within ninety (90) days after the claims bar date.
- **E. Filing Amended Plans.** Within fourteen (14) days after the Bankruptcy Court resolves the priority, avoidability, or extent of a lien, or any objection to claim, the Debtor(s) shall file an amended Plan to provide for the allowed amount of the claim if the allowed amount differs from the amount stated in the plan. Debtor(s) shall also file an amended Plan within thirty (30) days after the claims bar date(s) in the event that no objection is filed and the claim(s) as filed causes the Plan to be underfunded.

### (3.) IT IS FURTHER ORDERED THAT:

- **A.** After the claims objection deadline, the Plan shall be deemed amended to conform to the claims filed or otherwise allowed. If the Plan expressly modified the terms of payment to any creditor pursuant to  $11\ U.S.C.\ \S 1322(b)(2)$ , nothing in this Order shall be construed to change the payment terms established in the Plan.
- **B.** Any creditor who files or amends a proof of claim shall serve a copy on the Debtor(s) or counsel for the Debtor(s).
- C. Any creditor whose payment changes due to variable interest rates, change in escrow, or change in monthly payments, shall notify the Trustee, Debtor(s)' counsel and Debtor(s) at least twenty—one (21) days prior to the change taking effect.
- **D.** Debtor's counsel must file a fee application in accordance with *W.PA.LBR* 2016–1 before attorney fees in excess of the "no look" provision (including retainer) will be allowed or paid.
- **E.** The Trustee shall file a *Certificate of Default and Request for Dismissal* of the case in the event of a material Plan default. If the default involves failure to make a plan payment the case will result in dismissal without further hearing upon filing and service of an *Affidavit of Default* by the Trustee. The Trustee is not precluded from raising pre–confirmation defaults in any subsequent motion to dismiss.
- **F.** In the event that any order is entered in this case granting relief from the automatic stay to a secured creditor, then the Trustee shall make no further disbursements to any creditor on account of any *secured claim* that is secured by the subject property, unless directed otherwise by further Order of Court.

Carlota M. Böhm, Judge United States Bankruptcy Court

Dated: December 10, 2019

cc: All Parties in Interest to be served by Clerk in seven (7) days

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Certificate of Notice Page 4 of 6
United States Bankruptcy Court
Western District of Pennsylvania

In re: Timmy K. Messner Patricia L. Messner Debtors Case No. 19-22342-CMB Chapter 13

### **CERTIFICATE OF NOTICE**

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Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on
Dec 12, 2019.
                     +Timmy K. Messner, Patricia L. Messner, 138 Bulger Candor Road, Bulger AAA Debt Recovery, PO Box 129, Monroeville, PA 15146-0129 +AES/PHEAA, Attn: Bankruptcy, Po Box 2461, Harrisburg, PA 17105-2461 +AES/PHEAA, 1112 7th Ave, Monroe, WI 53566-1364 +BANK OF AMERICA, PO BOX 982238, EL PASO TX 79998-2238
db/jdb
                                                                                                                               Bulger, PA 15019-2038
15068351
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                       (address filed with court: Bank Of America, Po Box 982238, El Paso, TX 79998)
                       +Bank Of America, 4909 Savarese Circle, Fll-908-01-50, Tampa, FL 33634-2413
+Bank of America, N.A., P O Box 982284, El Paso, TX 79998-2284
15068356
                     +Bank of America, N.A., P O Box 982284, El Paso, TX 79998-2284
++CAINE & WEINER COMPANY, 12005 FORD ROAD 300, DALLAS TX 75234-7262
(address filed with court: Caine & Weiner, Po Box 55848, Sherman Oaks, CA 91413)
++COLUMBIA GAS, 290 W NATIONWIDE BLVD 5TH FL, BANKRUPTCY DEPARTMENT, COLUMBUS OH 43215-4157
(address filed with court: Columbia Gas, Attn: Bankruptcy, 290 West Nationwide Blvd.,
15090365
15068359
15068362
                         Columbus, OH 43215)
                       +COMCAST, PO BOX 1931, Burlingame, CA 94011-1931
+Caine & Weiner, Attn: Bankruptcy, 5805 Sepulveda Blvd, Sherman Oaks, CA 91411-2546
Capital One, N.A., c/o Becket and Lee LLP, PO Box 3001, Malvern PA 19355-0701
15078318
15068360
15091824
                       Columbia Gas, c/o CBCS, PO Box 2589, Columbus, OH 43216-2589
+Deptartment Store National Bank/Macy's, Attn: Bankruptcy, 9111 Duke Boulevard,
15068363
15068369
                         Mason, OH 45040-8999
                     +Deptartment Store National Bank/Macy's, Po Box 8218, Mason, OH 45040-8218 +Diversified Consultants, Inc., Attn: Bankruptcy, Po Box 679543, Dallas, ++FIRST SAVINGS BANK, PO BOX 5096, SIOUX FALLS SD 57117-5096
15068368
15068371
                                                                                                                                 Dallas, TX 75267-9543
15068373
                       (address filed with court: First Savings Credit Card, 500 East 60th St North,
                          Sioux Falls, SD 57104)
                       +First Commonwealth Bank, c/o Karen L.Hughes, Esquire, AAS Debt Recov
2526 Monroeville Blvd., Suite 205, Monroeville, PA 15146-2371
+First Savings Credit Card, Attn: Bankruptcy Department, Po Box 5019,
15091086
                                                                                                               AAS Debt Recovery Inc.,
15068374
                         Sioux Falls, SD 57117-5019
15068375
                       +Frederic I. Weinberg & Associates P.C.,
                                                                                      375 E. Elm Street, Suite 210,
                         Conshohocken, PA 19428-1973
                      +I C System Inc, Po Box 64378, Saint Paul, MN 55164-0378
+I C System Inc, Attn: Bankruptcy, Po Box 64378, St Paul, MN 55164-0378
+Kohls/Capital One, Attn: Bankruptcy, Po Box 30285, Salt Lake City, UT 84130-0285
15068377
15068382
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                                                                     1617 JFK Blvd., Ste 1400,
                        Phelan Hall Diamond & Jones,
15068401
                                                                                                                 One Penn Center Plaza,
                         Philadelphia, PA 19103
15068402
                        Pressler and Pressler, LLP,
                                                                    7 Enzin Road, Attn: Ian Z. Winograd, Esquire,
                         Parsippany, NJ 07054-5020
15068403
                       +Range Resources Appalachia, LLC, 622 Eagle Pointe Drive,
                                                                                                                   Canonsburg, PA 15317-7515
                        SANTANDER BANK, N.A., 1 CORPORATE DRIVE, SUITE 360, LAKE ZURICH IL 60047-8945 Santander Bank N.A., 1 Corporate Drive, Lake Zurich, IL 60047-8944
15100991
15068406
                       +Santander Bank N.A.,
                      +Santander Bank N.A., 1 Corporate Drive, Lake Zurich, 11 80047-894
+The Bureaus Inc, 650 Dundee Road, Northbrook, IL 60062-2747
+The Bureaus Inc, Attn: Bankruptcy, 650 Dundee Rd, Ste 370, Nort
UPMC Physician Services, PO Box 1123, Minneapolis, MN 55440-1123
+Windham Professionals, 380 Main St, Salem, NH 03079-2412
15068410
15068411
                                                                                                                           Northbrook, IL 60062-2757
15100630
15068418
Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.
                      +E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com Dec 11 2019 03:22:25
                         PRA Receivables Management, LLC, PO Box 41021, Norfolk, VA 23541-1021
                       +E-mail/Text: bkmailbayview@bayviewloanservicing.com Dec 11 2019 03:19:02
15068358
                         Bayview Financial Loan, Attn: Bankruptcy Dept, 4425 Ponce De Leon Blvd. 5th Floor,
                         Coral Gables, FL 33146-1873
                       +E-mail/Text: bkmailbayview@bayviewloanservicing.com Dec 11 2019 03:19:02
15068357
                       Bayview Financial Loan, 4425 Ponce De Leon Blvd, Coral Gables, FL 33146-1873 +E-mail/Text: bkmailbayview@bayviewloanservicing.com Dec 11 2019 03:19:02
15107642
                         Bayview Loan Servicing, LLC,
                                                                         4425 Ponce de Leon Blvd, 5th Floor,
                          Coral Gables, FL 33146-1837
                       +E-mail/Text: dl-collectionsbankruptcyteam@drivetime.com Dec 11 2019 03:19:03
15107916
                       Bridgecrest Acceptance Corp., 4020 East Indian School Road, Phoenix, AZ 85018-5220 +E-mail/Text: dl-collectionsbankruptcyteam@drivetime.com Dec 11 2019 03:19:03 Bridgecrest Acceptance Corp., PO Box 2997, Phoenix, AZ 85062-2997
15107915
                       +E-mail/Text: bankruptcy@cavps.com Dec 11 2019 03:18:59
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                                                                                                                 Calvalry Portfolio Services LLC,
                         500 Summit Lake Drive, Suite 4A, Valhalla, NY 10595-2323
                       +E-mail/Text: convergent@ebn.phinsolutions.com Dec 11 2019 03:19:01
15068364
                       Convergent Outsourcing, Inc., 800 Sw 39th St, Renton, WA 98057-4927 +E-mail/Text: convergent@ebn.phinsolutions.com Dec 11 2019 03:19:01
15068366
                        Convergent Outsourcing, Inc., Attn: Bankruptcy, Po Box 9004, E-mail/Text: bnc-quantum@quantum3group.com Dec 11 2019 03:18:23
                                                                                                                               Renton, WA 98057-9004
15106674
                         Department Stores National Bank, c/o Quantum3 Group LLC, PO Box 657,
                         Kirkland, WA 98083-0657
                       +E-mail/Text: bankruptcynotices@dcicollect.com Dec 11 2019 03:19:05
Diversified Consultants, Inc., P O Box 551268, Jacksonville, FL 32255-1268
+E-mail/Text: bknotice@ercbpo.com Dec 11 2019 03:18:48 ERC/Enhanced Recovery
15068370
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                                                                                                                ERC/Enhanced Recovery Corp,
                          8014 Bayberry Rd, Jacksonville, FL 32256-7412
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### Case 19-22342-CMB Doc 49 Filed 12/12/19 Entered 12/13/19 00:44:42 Desc Imaged Certificate of Notice Page 5 of 6

District/off: 0315-2 User: gamr Page 2 of 3 Date Royd: Dec 10, 2019 Form ID: 149 Total Noticed: 70

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Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center
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15068387
                                                                                              Kohls/Capital One,
                                                    Menomonee Falls, WI 53051-5660
                   N56 W 17000 Ridgewood Dr,
15076355
                  {\tt E-mail/PDF: resurgentbknotifications@resurgent.com Dec 11 2019 03:22:30}
                                                                                                           LVNV Funding, LLC,
                 Resurgent Capital Services, PO Box 10587, Greenville, SC 29603-0587 +E-mail/PDF: resurgentbknotifications@resurgent.com Dec 11 2019 03:32:56
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                    PO Box 2011, Warren, MI 48090-2011
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                    Attn: Bankruptcy, 601 Nw 2nd Street, Evansville, IN 47708-1013
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                 Receivables Performance Mgmt, Attn: Bankruptcy, Po Box 1548, Lynnwood, WA 98046-1548 +E-mail/Text: bankruptcy@sccompanies.com Dec 11 2019 03:19:28 Seventh Avenue,
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                    c/o Creditors Bankruptcy Service, P. O. Box 800849, Dallas, TX 75380-0849
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                 4120 International Parkway, Suite 1100, Carrollton, TX 75007-1958 +E-mail/Text: bankruptcy@sw-credit.com Dec 11 2019 03:18:42 Southwest
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                    c/o of PRA Receivables Management, LLC, PO Box 41021, Norfolk, VA 23541-1021
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                  E-mail/Text: bankruptcy@uscbcorporation.com Dec 11 2019 03:17:56
                                                                                                   USCB Corporation,
                    101 Harrison Street, Archbald, PA 18403
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                  Weldon Springs, MO 63304-2225
E-mail/PDF: EBN_AIS@AMERICANINFOSOURCE.COM Dec 11 2019 03:33:33
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                                                                                                   West Penn Power*,
                    5001 NASA Blvd, Fairmont, WV 26554-8248
                                                                                                            TOTAL: 38
             ***** BYPASSED RECIPIENTS (undeliverable, * duplicate) *****
                  Bayview Loan Servicing, LLC, a Delaware Limited Li
cr
                  SANTANDER BANK, N.A.
                +AAA Debt Recovery, Pob 129, Monroeville, PA 15146-0129
++COLUMBIA GAS, 290 W NATIONWIDE BLVD 5TH FL, BANKRUPTCY DEPARTMENT, COLUMBUS OH 43215-4157
(address filed with court: Columbia Gas of PA, P.O. Box 117, Columbus, OH 43216)
+Convergent Outsourcing, Inc., 800 Sw 39th St, Renton, WA 98057-4927
+Convergent Outsourcing, Inc., Attn: Bankruptcy, Po Box 9004 Renton WA 98057-9004
15068352*
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Po Box 64378,
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                                                                           San Diego, CA 92108-2709
                 +Midland Funding,
15068396*
                 +Midland Funding, 2365 Northside Dr Ste 300, San Diego, CA 92108-2709
+Midland Funding LLC, 2365 Northside Dr Ste 30, San Diego, CA 92108-2709
                 +Midland Funding,
15068397*
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# Case 19-22342-CMB Doc 49 Filed 12/12/19 Entered 12/13/19 00:44:42 Desc Imaged Certificate of Notice Page 6 of 6

\*\*\*\*\* BYPASSED RECIPIENTS (continued) \*\*\*\*\*

TOTALS: 2, \* 18, ## 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP. USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

Addresses marked '++' were redirected to the recipient's preferred mailing address pursuant to 11 U.S.C. 342(f)/Fed.R.Bank.PR.2002(g)(4).

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Dec 12, 2019 Signature: <u>/s/Joseph Speetjens</u>

#### CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on December 10, 2019 at the address(es) listed below:

Christopher M. Frye on behalf of Joint Debtor Patricia L. Messner

chris.frye@steidl-steinberg.com,

julie.steidl@steidl-steinberg.com;todd@steidl-steinberg.com;leslie.nebel@steidl-steinberg.com;cgo ga@steidl-steinberg.com;r53037@notify.bestcase.com;rlager@steidl-steinberg.com;kmeyers@steidl-steinberg.com

Christopher M. Frye on behalf of Debtor Timmy K. Messner chris.frye@steidl-steinberg.com, julie.steidl@steidl-steinberg.com;todd@steidl-steinberg.com;leslie.nebel@steidl-steinberg.com;cgo ga@steidl-steinberg.com;r53037@notify.bestcase.com;rlager@steidl-steinberg.com;kmeyers@steidl-steinberg.com

James Warmbrodt on behalf of Creditor Bayview Loan Servicing, LLC, a Delaware Limited Liability Company bkgroup@kmllawgroup.com

Jerome B. Blank on behalf of Creditor SANTANDER BANK, N.A. pawb@fedphe.com

Office of the United States Trustee ustpregion03.pi.ecf@usdoj.gov

Ronda J. Winnecour cmecf@chapter13trusteewdpa.com

Thomas Song on behalf of Creditor SANTANDER BANK, N.A. pawb@fedphe.com

TOTAL: 7